

Testimony to the Sub-Committee on Elections of the Committee on House Administration  
Oversight hearing on "Election Day Registration and Provisional Voting"

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Chairwoman Lofgren, Representative Ehlers, and members of the committee, thank you very much for the opportunity to testify today on the important subjects of Election Day Registration and provisional voting.

Thirty-four years ago the Minnesota State Legislature decided to implement a statewide system of voter registration that included Election Day Registration (EDR). The legislature included the option of registering at the polls because they recognized that traditional voter registration systems created many barriers to participation, often inadvertently. For example, setting an arbitrary cut-off date for registration means that a large percentage of voters enfranchised by the U.S. Constitution are disenfranchised by bureaucratic rules.

Election Day Registration, in contrast, ensured that eligible voters could not be denied their right to vote due to lack of pre-registration. The state implemented procedures for registering to vote on Election Day at each polling place. This system, also called "same-day registration," now exists in some form or is under serious consideration in a dozen states.

One of the most important results of Election Day Registration is a significant increase in turnout among eligible voters. This can be seen in Minnesota where 78% of eligible voters cast a ballot

in the 2004 presidential election—more than 18% above the national average. That same year, nearly 600,000 eligible voters registered on Election Day, making same-day registrants roughly one quarter of all voters. Clearly, same-day registration is a factor in Minnesota's consistently high voter turnout.

Election Day Registration is an especially useful tool for anyone who has moved just before Election Day, for young voters, and for others who do not decide to participate until just days before an election. Election Day Registration is a source of much of the confidence that Minnesota voters express about our voting system. No one can be kept from voting due to lack of prior registration and no one can be denied the right to vote due to some flaw or failure in the voter registration system.

In addition to the increase in both voter turnout and the public's confidence about the electoral process, another huge benefit of Election Day Registration is that it all but eliminates the need for provisional ballots, thus enfranchising voters and simplifying election administration. The past few election cycles have featured battles over provisional ballots in Ohio, Florida, and other states that became front-page news nationwide. With EDR these problems are nearly eliminated. Voters that come to the polling place who believe that they have pre-registered, but for some reason whose names do not appear on the rolls, have recourse in an Election Day Registration state. Instead of casting a ballot that may or may not be counted, they can simply register to vote on the spot. Once they have filled out a voter registration form and provided proof of residence, they can cast a ballot that will be treated the same as all others. Voters do not need to worry about following up with election administrators to ensure that their ballot is counted and our poll

workers do not need to segregate provisional ballots or use alternate procedures to handle them. Same-day registration helps poll workers and election administrators deal with the human and computer errors that are one of the realities of running an election.

Higher voter turn out and the elimination of many of the problems associated with provisional ballots are two powerful arguments for Election Day Registration. Another advantage is that "in person" voter registrations, which Election Day Registrations are by definition, are actually more secure than voter registrations sent through the mail. Every Election Day registrant must appear in person, provide an approved identification document or sworn witness, and swear that they meet the eligibility criteria. Issues such as citizenship status, residence, and other concerns are dealt with immediately and directly by trained poll workers on Election Day. After Election Day, local election officials verify same day registrants' residences by sending them a non-forwardable postcard. Local election officials also ensure that no one has voted twice, which is a felony; if they find that anyone has, the case is immediately forwarded to the county attorney. I believe that there have only been two such cases prosecuted in Minnesota in recent years.

When Minnesota introduced Election Day Registration in the 1970s a new era in voting rights opened in the United States. By making it possible for every eligible citizen to register on Election Day the problem of voter registrations procedures becoming barriers to voting was addressed in a simple yet fundamental way. With over thirty years of election experience using EDR in Minnesota we know that this approach increases turn out of eligible voters by at least 10% while simultaneously improving the integrity and accuracy of the voter registration process. Our system also avoids the most dangerous frustration facing voters—when eligible citizens take

time away from work and other responsibilities to vote and are turned away without being able to cast a ballot that they have any faith will really be counted. Congress should make Election Day Registration standard practice around the country so that no computer error will ever again result in the denial of any eligible citizen's constitutional right to vote.